

AMENDED IN ASSEMBLY APRIL 20, 2010

AMENDED IN ASSEMBLY APRIL 7, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2767

**Introduced by Committee on Judiciary (Feuer (Chair), Brownley,
Evans, Jones, Lieu, and Monning)**

February 25, 2010

An act to amend Sections 703.150, 1085, and 1103 of the Code of Civil Procedure, to amend Section 9213 of the Corporations Code, to amend Sections 731, 752, and 753 of the Evidence Code, to amend Section 7643 of the Family Code, to amend Sections 53647.5, 53679, 68084.1, 68092, 70377, and 71601 of, and to add Section 27473 to, the Government Code, and to amend Section 13510 of the Penal Code, relating to civil law.

LEGISLATIVE COUNSEL'S DIGEST

AB 2767, as amended, Committee on Judiciary. Civil law: omnibus bill.

(1) Existing law requires the Judicial Council, on or before April 1, 2010, and at each 3-year interval ending on April 1 thereafter, to submit to the Legislature the amount by which the dollar amounts of the homestead exemptions may be increased based on the change in the annual California Consumer Price Index for All Urban Consumers, and to publish a list of the current dollar amounts of those exemptions, as specified.

This bill, instead, would require the Judicial Council to submit to the Legislature the increased dollar amounts for the homestead exemption commencing April 1, 2013.

(2) Existing law provides for any court or inferior tribunal to issue a writ of mandate or a writ of prohibition, as provided.

This bill would correct cross-references within these provisions.

(3) Existing law provides for compensation of expert witnesses, including a court interpreter or a translator.

This bill would provide that in all criminal actions and juvenile court proceedings the compensation is charged to the court and in all civil actions the compensation is apportioned and charged to several parties by the court, as provided. This bill would also provide that in coroners' cases compensation for interpreters and translators is paid from the county treasury.

(4) Existing law requires that, in a trial or hearing held pursuant to provisions governing paternity, paper and records, other than the final judgment, are subject to inspection, as provided, including papers and records that are part of the permanent record.

This bill would also allow for the copying of these papers.

(5) Existing law provides for the deposit of moneys, including bail, coming into possession of a judge or officer of a court and deposited in a bank account by the court, as provided.

This bill would make technical, nonsubstantive changes to these provisions.

(6) Existing law provides that any money in a court bank account or in a court trust account in a county treasury that remains unclaimed for 3 years shall become the property of the superior court if, after published notice, the money is not claimed or no verified complaint is filed and served. Existing law provides that if a claim is filed and rejected, or no action is taken on it, the party who submitted the claim may file a verified complaint seeking to recover all, or a specified part, of the money.

This bill would provide that money representing restitution collected on behalf of victims that remains unclaimed for 3 years is to be deposited in the State Restitution Fund or the county general fund, as provided.

(7) Existing law defines subordinate judicial officer as an officer appointed to perform subordinate judicial duties, as authorized, including, but not limited to, a court commissioner, probate commissioner, referee, traffic referee, and juvenile referee.

This bill would include child support commissioner and juvenile hearing officer in the definition of subordinate judicial officer and make other technical, nonsubstantive changes to these provisions.

(8) Existing law provides for certain penalties to be deposited into the State Court Facilities Construction Fund. Existing law requires any amounts transmitted by a county to the Controller under these provisions to be remitted no later than 45 days after the end of the month in which the penalties were collected. Existing law also provides for the calculation of a penalty on any delinquent payment at a daily rate equivalent to 1 ½%, as provided.

This bill would also provide for interest to be charged on the delinquent payment to be calculated at a daily rate equivalent to the rate of return of money deposited into the Local Agency Investment Fund, as provided.

(9) Existing law provides for minimum standards relating to the physical, mental, and moral fitness that governs the recruitment of law enforcement officers, as provided.

This bill would delete an obsolete reference in these provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 703.150 of the Code of Civil Procedure
2 is amended to read:
3 703.150. (a) On April 1, 2004, and at each three-year interval
4 ending on April 1 thereafter, the dollar amounts of exemptions
5 provided in subdivision (b) of Section 703.140 in effect
6 immediately before that date shall be adjusted as provided in
7 subdivision (d).
8 (b) On April 1, 2007, and at each three-year interval ending on
9 April 1 thereafter, the dollar amounts of exemptions provided in
10 Article 3 (commencing with Section 704.010) in effect immediately
11 before that date shall be adjusted as provided in subdivision (d).
12 (c) On April 1, 2013, and at each three-year interval ending on
13 April 1 thereafter, the Judicial Council shall submit to the
14 Legislature the amount by which the dollar amounts of exemptions
15 provided in subdivision (a) of Section 704.730 in effect
16 immediately before that date may be increased as provided in
17 subdivision (d). Those increases shall not take effect unless they
18 are approved by the Legislature.
19 (d) The Judicial Council shall determine the amount of the
20 adjustment based on the change in the annual California Consumer

1 Price Index for All Urban Consumers, published by the Department
2 of Industrial Relations, Division of Labor Statistics, for the most
3 recent three-year period ending on December 31 preceding the
4 adjustment, with each adjusted amount rounded to the nearest
5 twenty-five dollars (\$25).

6 (e) Beginning April 1, 2004, the Judicial Council shall publish
7 a list of the current dollar amounts of exemptions provided in
8 subdivision (b) of Section 703.140 and in Article 3 (commencing
9 with Section 704.010), together with the date of the next scheduled
10 adjustment. In any year that the Legislature votes to increase the
11 exemptions provided in subdivision (a) of Section 704.730, the
12 Judicial Council shall publish a list of current dollar amounts of
13 exemptions.

14 (f) Adjustments made under subdivision (a) do not apply with
15 respect to cases commenced before the date of the adjustment,
16 subject to any contrary rule applicable under the federal Bankruptcy
17 Code. The applicability of adjustments made under subdivisions
18 (b) and (c) is governed by Section 703.050.

19 SEC. 2. Section 1085 of the Code of Civil Procedure is
20 amended to read:

21 1085. (a) A writ of mandate may be issued by any court to
22 any inferior tribunal, corporation, board, or person, to compel the
23 performance of an act which the law specially enjoins, as a duty
24 resulting from an office, trust, or station, or to compel the
25 admission of a party to the use and enjoyment of a right or office
26 to which the party is entitled, and from which the party is
27 unlawfully precluded by ~~such~~ that inferior tribunal, corporation,
28 board, or person.

29 (b) The appellate division of the superior court may grant a writ
30 of mandate directed to the superior court in a limited civil case or
31 in a misdemeanor or infraction case. Where the appellate division
32 grants a writ of mandate directed to the superior court, the superior
33 court is an inferior tribunal for purposes of this chapter.

34 SEC. 3. Section 1103 of the Code of Civil Procedure is
35 amended to read:

36 1103. (a) A writ of prohibition may be issued by any court to
37 an inferior tribunal or to a corporation, board, or person, in all
38 cases where there is not a plain, speedy, and adequate remedy in
39 the ordinary course of law. It is issued upon the verified petition
40 of the person beneficially interested.

1 (b) The appellate division of the superior court may grant a writ
2 of prohibition directed to the superior court in a limited civil case
3 or in a misdemeanor or infraction case. Where the appellate
4 division grants a writ of prohibition directed to the superior court,
5 the superior court is an inferior tribunal for purposes of this chapter.

6 SEC. 4. Section 9213 of the Corporations Code is amended to
7 read:

8 9213. (a) A corporation shall have a chair of the board, who
9 may be given the title chair of the board, chairman of the board,
10 or chairwoman of the board, or a president or both, a secretary, a
11 treasurer or a chief financial officer and such other officers with
12 such titles and duties as shall be stated in the bylaws or determined
13 by the board and as may be necessary to enable it to sign
14 instruments. The president, or if there is no president, the chair of
15 the board, is the general manager and chief executive officer of
16 the corporation, unless otherwise provided in the articles or bylaws.
17 If there is no chief financial officer, the treasurer is the chief
18 financial officer of the corporation unless otherwise provided in
19 the articles or bylaws. Any number of offices may be held by the
20 same person unless the articles or bylaws provide otherwise, except
21 that the secretary, the treasurer, or the chief financial officer may
22 not serve concurrently as the president or chair of the board.

23 (b) Except as otherwise provided by the articles or bylaws,
24 officers shall be chosen by the board and serve at the pleasure of
25 the board, subject to the rights, if any, of an officer under any
26 contract of employment. Any officer may resign at any time upon
27 written notice to the corporation without prejudice to the rights, if
28 any, of the corporation under any contract to which the officer is
29 a party.

30 SEC. 5. Section 731 of the Evidence Code is amended to read:

31 731. (a) (1) In all criminal actions and juvenile court
32 proceedings, the compensation fixed under Section 730 shall be a
33 charge against the county in which ~~such~~ *the* action or proceeding
34 is pending and shall be paid out of the treasury of ~~such~~ *that* county
35 on order of the court.

36 (2) Notwithstanding paragraph (1), if the expert is appointed
37 for the court's needs, the compensation shall be a charge against
38 the court.

39 (b) In any county in which the superior court so provides, the
40 compensation fixed under Section 730 for medical experts

1 appointed for the court's needs in civil actions shall be a charge
2 against the court. In any county in which the board of supervisors
3 so provides, the compensation fixed under Section 730 for medical
4 experts appointed in civil actions, for purposes other than the
5 court's needs, shall be a charge against and paid out of the treasury
6 of that county on order of the court.

7 (c) Except as otherwise provided in this section, in all civil
8 actions, the compensation fixed under Section 730 shall, in the
9 first instance, be apportioned and charged to the several parties in
10 ~~such~~ a proportion as the court may determine and may thereafter
11 be taxed and allowed in like manner as other costs.

12 SEC. 6. Section 752 of the Evidence Code is amended to read:

13 752. (a) When a witness is incapable of understanding the
14 English language or is incapable of expressing himself or herself
15 in the English language so as to be understood directly by counsel,
16 court, and jury, an interpreter whom the witness can understand
17 and who can understand the witness shall be sworn to interpret for
18 the witness.

19 (b) The record shall identify the interpreter who may be
20 appointed and compensated as provided in Article 2 (commencing
21 with Section 730) of Chapter 3, with that compensation charged
22 as follows:

23 (1) In all criminal actions and juvenile court proceedings, the
24 compensation for an interpreter under this section shall be a charge
25 against the court.

26 (2) In all civil actions, the compensation for an interpreter under
27 this section shall, in the first instance, be apportioned and charged
28 to the several parties in a proportion as the court may determine
29 and may thereafter be taxed and allowed in like manner as other
30 costs.

31 SEC. 7. Section 753 of the Evidence Code is amended to read:

32 753. (a) When the written characters in a writing offered in
33 evidence are incapable of being deciphered or understood directly,
34 a translator who can decipher the characters or understand the
35 language shall be sworn to decipher or translate the writing.

36 (b) The record shall identify the translator who may be appointed
37 and compensated as provided in Article 2 (commencing with
38 Section 730) of Chapter 3, with that compensation charged as
39 follows:

1 (1) In all criminal actions and juvenile court proceedings, the
2 compensation for a translator under this section shall be a charge
3 against the court.

4 (2) In all civil actions, the compensation for a translator under
5 this section shall, in the first instance, be apportioned and charged
6 to the several parties in a proportion as the court may determine
7 and may thereafter be taxed and allowed in like manner as other
8 costs.

9 SEC. 8. Section 7643 of the Family Code is amended to read:

10 7643. (a) Notwithstanding any other law concerning public
11 hearings and records, a hearing or trial held under this part may
12 be held in closed court without admittance of any person other
13 than those necessary to the action or proceeding. Except as
14 provided in subdivision (b), all papers and records, other than the
15 final judgment, pertaining to the action or proceeding, whether
16 part of the permanent record of the court or of a file in a public
17 agency or elsewhere, are subject to inspection and copying only
18 in exceptional cases upon an order of the court for good cause
19 shown.

20 (b) Papers and records pertaining to the action or proceeding
21 that are part of the permanent record of the court are subject to
22 inspection and copying by the parties to the action, their attorneys,
23 and by agents acting pursuant to written authorization from the
24 parties to the action or their attorneys. An attorney shall obtain the
25 consent of the party to the action prior to authorizing an agent to
26 inspect and copy the permanent record. An attorney shall also state
27 on the written authorization that he or she has obtained the consent
28 of the party to authorize an agent to inspect and copy the permanent
29 record.

30 SEC. 9. Section 27473 is added to the Government Code, to
31 read:

32 27473. In coroners' cases, interpreters' and translators' fees
33 or other compensation shall be paid from the county treasury upon
34 warrants drawn by the county auditor, when so ordered by the
35 coroner.

36 SEC. 10. Section 53647.5 of the Government Code is amended
37 to read:

38 53647.5. Notwithstanding any other provision of law, interest
39 earned on any bail money deposited by a court in a bank account

1 pursuant to Section 1463.1 of the Penal Code and Section 53679
2 of this code shall be allocated for the support of that court.

3 SEC. 11. Section 53679 of the Government Code is amended
4 to read:

5 53679. So far as possible, all money belonging to a local agency
6 under the control of any of its officers or employees other than the
7 treasurer shall, and money deposited as bail coming into the
8 possession of a judge or officer of a superior court may, be
9 deposited as active deposits in the state or national bank, inactive
10 deposits in the state or national bank or state or federal association,
11 federal or state credit union, or federally insured industrial loan
12 company in this state selected by the officer, employee, or judge
13 of the court. For purposes of this section, an officer or employee
14 of a local agency and a judge or officer of a superior court are
15 prohibited from depositing local agency funds or money coming
16 into their possession into a state or federal credit union if an officer
17 or employee of the local agency, or a judge or officer of a superior
18 court, also serves on the board of directors, or any committee
19 appointed by the board of directors, or the credit committee or
20 supervisory committee, of the particular state or federal credit
21 union. That money is subject to this article except:

22 (a) Deposits in an amount less than that insured pursuant to
23 federal law are not subject to this article.

24 For deposits in excess of the amount insured under any federal
25 law a contract in accordance with Section 53649 is required and
26 the provisions of this article shall apply.

27 (b) Interest is not required on money deposited in an active
28 deposit by a judge or officer of a superior court.

29 (c) Interest is not required on money deposited in an active
30 deposit by an officer having control of a revolving fund created
31 pursuant to Chapter 2 (commencing with Section 29300) of
32 Division 3 of Title 3.

33 (d) Interest is not required on money deposited in an active
34 deposit by an officer having control of a special fund established
35 pursuant to Article 5 (commencing with Section 29400) or Article
36 6 (commencing with Section 29430) of Chapter 2 of Division 3
37 of Title 3.

38 SEC. 12. Section 68084.1 of the Government Code is amended
39 to read:

1 68084.1. (a) Except as otherwise provided by law, any money,
2 excluding restitution to victims, that has been deposited with a
3 superior court, or that a superior court is holding in trust for the
4 lawful owner, in a court bank account or in a court trust account
5 in a county treasury, that remains unclaimed for three years shall
6 become the property of the superior court if, after published notice
7 pursuant to this section, the money is not claimed or no verified
8 complaint is filed and served. After published notice pursuant to
9 this section, if the money is not claimed or no verified complaint
10 is filed and served, money representing restitution collected on
11 behalf of victims that remains unclaimed for three years shall be
12 deposited either into the State Restitution Fund exclusively for the
13 purposes of providing victim services or into the general fund of
14 a county that administers a victim services program exclusively
15 for the provision of victim services.

16 (b) At any time after the expiration of the three-year period
17 specified in subdivision (a), the executive officer of the superior
18 court may cause a notice to be published once a week for two
19 successive weeks in a newspaper of general circulation published
20 in the county in which the court is located. The notice shall state
21 the amount of money, the fund in which it is held, and that it is
22 proposed that the money will become the property of the court on
23 a designated date not less than 45 days nor more than 60 days after
24 the first publication of the notice.

25 (c) Before or after publication, a party of interest may file a
26 claim with the court executive officer that shall include the
27 claimant's name, address, amount of claim, the grounds on which
28 the claim is founded, and any other information that may be
29 required by the court executive officer. The claim shall be filed
30 before the designated date on which unclaimed money becomes
31 the property of the court as provided under subdivision (b), and
32 the executive officer shall accept or reject that claim.

33 (d) If the superior court executive officer rejects the claim, or
34 takes no action on the claim within 30 days after it is filed, the
35 party that submitted the claim may file a verified complaint seeking
36 to recover all, or a specified part, of the money in the court in the
37 county in which the notice is published. The copy of the complaint
38 and summons shall be served on the court executive officer. The
39 court executive officer shall withhold the release of the portion of
40 unclaimed money for which a court action has been filed as

provided in this section until the court renders a decision or the claim is settled. Any portion of the unclaimed money not covered by the verified complaint shall become the property of the court if no other claim or verified complaint has been filed regarding it within the time specified in this section. If the party that submitted the claim does not file a verified complaint within 30 days after the date that the court mailed notice that the claim was rejected or within 60 days after the claim was filed, the money shall become the property of the court.

(e) Notwithstanding subdivisions (c) and (d), the court executive officer may release the unclaimed money to the depositor of the unclaimed money, or the depositor's heir, beneficiary, or duly appointed representative, if the depositor or the depositor's heir, beneficiary, or duly appointed representative claims the money before the date that the money becomes the property of the superior court, upon submitting proof satisfactory to the court executive officer.

(f) If no claim is filed under subdivision (c) and the time for filing claims has expired, the money shall become the property of the court. If a claim or claims are filed with respect to a portion of the money, but not the remainder of the money, and the time for filing claims under subdivision (c) has expired, the remainder of the money shall become the property of the court.

(g) Notwithstanding any other provision of this section, the presiding judge may direct the transfer of any individual deposit of twenty dollars (\$20) or less, or any amount if the name of the original depositor is unknown, that remains unclaimed for one year to the Trial Court Operations Fund without the need for publication of notice.

(h) The court executive officer may delegate the responsibilities provided in this section to appropriate superior court staff.

(i) When any money deposited and held under this section becomes the property of a superior court, the presiding judge shall transfer it to the Trial Court Operations Fund.

SEC. 13. Section 68092 of the Government Code is amended to read:

68092. Court interpreters' and translators' fees or other compensation shall be paid:

(a) In criminal cases, *by the court*.

1 (b) In civil cases, by the litigants, in proportions as the court
2 may direct, to be taxed and collected as other costs.

3 SEC. 14. Section 70377 of the Government Code is amended
4 to read:

5 70377. (a) Any amounts required to be transmitted by a county
6 to the Controller pursuant to this article shall be remitted no later
7 than 45 days after the end of the month in which the penalties were
8 collected. Any remittance made later than this time shall be
9 considered delinquent and subject to the penalties specified in this
10 section.

11 (b) Upon receipt of any delinquent payment required pursuant
12 to this section, the Controller shall do the following:

13 (1) Calculate interest on the delinquent payment by multiplying
14 the amount of the delinquent payment at a daily rate equivalent to
15 the rate of return of money deposited in the Local Agency
16 Investment Fund pursuant to Section 16429.1 from the date the
17 payment was originally due, to either 30 days after the date of the
18 issuance by the Controller of the final audit report concerning the
19 failure to pay, or the date of payment by the entity responsible for
20 the delinquent payment, whichever comes first.

21 (2) Calculate a penalty at a daily rate equivalent to 1 ½ percent
22 per month from the date 30 days after the date of the issuance by
23 the Controller of the final audit report concerning the failure to
24 pay.

25 (c) Interest or penalty amounts calculated pursuant to subdivision
26 (b) shall be paid by the county, city and county, or court to the
27 State Court Facilities Construction Fund no later than 45 days after
28 the end of the month in which the interest or penalty was
29 calculated. Payment shall be made by the entity responsible for
30 the error or other action that caused the failure to pay, as
31 determined by the Controller in a notice given to that party by the
32 Controller.

33 (d) If the penalty imposed by this section results from a court's
34 failure to comply with the requirements for timely deposit of money
35 with the county treasury, the court shall reimburse the county
36 general fund in an amount equal to the actual penalty.
37 Notwithstanding Section 77009, the court may pay this penalty
38 from money received from the Trial Court Trust Fund. This section
39 does not require an increase in a court's allocation from the Trial
40 Court Trust Fund.

1 SEC. 15. Section 71601 of the Government Code is amended
2 to read:

3 71601. For purposes of this chapter, the following definitions
4 shall apply:

5 (a) "Appointment" means the offer to and acceptance by a
6 person of a position in the trial court in accordance with this chapter
7 and the trial court's personnel policies, procedures, and plans.

8 (b) "Employee organization" means either of the following:

9 (1) Any organization that includes trial court employees and
10 has as one of its primary purposes representing those employees
11 in their relations with that trial court.

12 (2) Any organization that seeks to represent trial court
13 employees in their relations with that trial court.

14 (c) "Hiring" means appointment as defined in subdivision (a).

15 (d) "Mediation" means effort by an impartial third party to assist
16 in reconciling a dispute regarding wages, hours, and other terms
17 and conditions of employment between representatives of the trial
18 court and the recognized employee organization or recognized
19 employee organizations through interpretation, suggestion, and
20 advice.

21 (e) "Meet and confer in good faith" means that a trial court or
22 representatives as it may designate, and representatives of
23 recognized employee organizations, shall have the mutual
24 obligation personally to meet and confer promptly upon request
25 by either party and continue for a reasonable period of time in
26 order to exchange freely information, opinions, and proposals, and
27 to endeavor to reach agreement on matters within the scope of
28 representation. The process should include adequate time for the
29 resolution of impasses where specific procedures for resolution
30 are contained in this chapter or in a local rule, or when the
31 procedures are utilized by mutual consent.

32 (f) "Personnel rules," "personnel policies, procedures, and
33 plans," and "rules and regulations" mean policies, procedures,
34 plans, rules, or regulations adopted by a trial court or its designee
35 pertaining to conditions of employment of trial court employees,
36 subject to meet and confer in good faith.

37 (g) "Promotion" means promotion within the trial court as
38 defined in the trial court's personnel policies, procedures, and
39 plans, subject to meet and confer in good faith.

(h) “Recognized employee organization” means an employee organization that has been formally acknowledged to represent trial court employees by the county under Sections 3500 to 3510, inclusive, prior to the implementation date of this chapter, or by the trial court under former Rules 2201 to 2210, inclusive, of the California Rules of Court, as those rules read on April 23, 1997, Sections 70210 to 70219, inclusive, or Article 3 (commencing with Section 71630).

(i) “Subordinate judicial officer” means an officer appointed to perform subordinate judicial duties as authorized by Section 22 of Article VI of the California Constitution, including, but not limited to, a court commissioner, probate commissioner, child support commissioner, referee, traffic referee, juvenile court referee, and juvenile hearing officer.

(j) “Transfer” means transfer within the trial court as defined in the trial court’s personnel policies, procedures, and plans, subject to meet and confer in good faith.

(k) “Trial court” means a superior court.

(l) “Trial court employee” means a person who is both of the following:

(1) Paid from the trial court’s budget, regardless of the funding source. For the purpose of this paragraph, “trial court’s budget” means funds from which the presiding judge of a trial court, or his or her designee, has authority to control, authorize, and direct expenditures, including, but not limited to, local revenues, all grant funds, and trial court operations funds.

(2) Subject to the trial court’s right to control the manner and means of his or her work because of the trial court’s authority to hire, supervise, discipline, and terminate employment. For purposes of this paragraph only, the “trial court” includes the judges of a trial court or their appointees who are vested with or delegated the authority to hire, supervise, discipline, and terminate.

(m) A person is a “trial court employee” if and only if both paragraphs (1) and (2) of subdivision (l) are true irrespective of job classification or whether the functions performed by that person are identified in Rule 10.810 of the California Rules of Court. “Trial court employee” includes those subordinate judicial officers who satisfy paragraphs (1) and (2) of subdivision (l). The phrase “trial court employee” does not include temporary employees hired through agencies, jurors, individuals hired by the trial court

1 pursuant to an independent contractor agreement, individuals for
2 whom the county or trial court reports income to the Internal
3 Revenue Service on a Form 1099 and does not withhold
4 employment taxes, sheriffs, temporary judges, and judges whether
5 elected or appointed. Any temporary employee, whether hired
6 through an agency or not, shall not be employed in the trial court
7 for a period exceeding 180 calendar days, except that for court
8 reporters in a county of the first class, a trial court and a recognized
9 employee organization may provide otherwise by mutual agreement
10 in a memorandum of understanding or other agreement.

11 SEC. 16. Section 13510 of the Penal Code is amended to read:

12 13510. (a) For the purpose of raising the level of competence
13 of local law enforcement officers, the commission shall adopt, and
14 may from time to time amend, rules establishing minimum
15 standards relating to physical, mental, and moral fitness that shall
16 govern the recruitment of any city police officers, peace officer
17 members of a county sheriff's office, marshals or deputy marshals
18 ~~of a municipal court~~, peace officer members of a county coroner's
19 office notwithstanding Section 13526, reserve officers, as defined
20 in subdivision (a) of Section 830.6, police officers of a district
21 authorized by statute to maintain a police department, peace officer
22 members of a police department operated by a joint powers agency
23 established by Article 1 (commencing with Section 6500) of
24 Chapter 5 of Division 7 of Title 1 of the Government Code,
25 regularly employed and paid inspectors and investigators of a
26 district attorney's office, as defined in Section 830.1, who conduct
27 criminal investigations, peace officer members of a district, safety
28 police officers and park rangers of the County of Los Angeles, as
29 defined in subdivisions (a) and (b) of Section 830.31, or housing
30 authority police departments.

31 The commission also shall adopt, and may from time to time
32 amend, rules establishing minimum standards for training of city
33 police officers, peace officer members of county sheriff's offices,
34 marshals or deputy marshals, peace officer members of a county
35 coroner's office notwithstanding Section 13526, reserve officers,
36 as defined in subdivision (a) of Section 830.6, police officers of a
37 district authorized by statute to maintain a police department, peace
38 officer members of a police department operated by a joint powers
39 agency established by Article 1 (commencing with Section 6500)
40 of Chapter 5 of Division 7 of Title 1 of the Government Code,

1 regularly employed and paid inspectors and investigators of a
2 district attorney's office, as defined in Section 830.1, who conduct
3 criminal investigations, peace officer members of a district, safety
4 police officers and park rangers of the County of Los Angeles, as
5 defined in subdivisions (a) and (b) of Section 830.31, and housing
6 authority police departments.

7 These rules shall apply to those cities, counties, cities and
8 counties, and districts receiving state aid pursuant to this chapter
9 and shall be adopted and amended pursuant to Chapter 3.5
10 (commencing with Section 11340) of Part 1 of Division 3 of Title
11 2 of the Government Code.

12 (b) The commission shall conduct research concerning
13 job-related educational standards and job-related selection
14 standards to include vision, hearing, physical ability, and emotional
15 stability. Job-related standards that are supported by this research
16 shall be adopted by the commission prior to January 1, 1985, and
17 shall apply to those peace officer classes identified in subdivision
18 (a). The commission shall consult with local entities during the
19 conducting of related research into job-related selection standards.

20 (c) For the purpose of raising the level of competence of local
21 public safety dispatchers, the commission shall adopt, and may
22 from time to time amend, rules establishing minimum standards
23 relating to the recruitment and training of local public safety
24 dispatchers having a primary responsibility for providing
25 dispatching services for local law enforcement agencies described
26 in subdivision (a), which standards shall apply to those cities,
27 counties, cities and counties, and districts receiving state aid
28 pursuant to this chapter. These standards also shall apply to
29 consolidated dispatch centers operated by an independent public
30 joint powers agency established pursuant to Article 1 (commencing
31 with Section 6500) of Chapter 5 of Division 7 of Title 1 of the
32 Government Code when providing dispatch services to the law
33 enforcement personnel listed in subdivision (a). Those rules shall
34 be adopted and amended pursuant to Chapter 3.5 (commencing
35 with Section 11340) of Part 1 of Division 3 of Title 2 of the
36 Government Code. As used in this section, "primary responsibility"
37 refers to the performance of law enforcement dispatching duties
38 for a minimum of 50 percent of the time worked within a pay
39 period.

1 (d) Nothing in this section shall prohibit a local agency from
 2 establishing selection and training standards that exceed the
 3 minimum standards established by the commission.

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6 **CORRECTIONS:**

7 **Heading—Page 1.**

8 **Introduction date—Page 1.**

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